



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2005 Assembly Bill 47**

**Assembly Amendment 1**

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*Contact: Anne Sappenfield, Senior Staff Attorney (267-9485)*

*Current law* provides that, in general, a prosecution for first-degree sexual assault must be commenced within six years of the offense. A prosecution for certain serious sex crimes against children, including first-degree sexual assault of a child (sexual assault of a child under 13 years of age), must generally be commenced before the victim reaches age 45. There is an exception in cases in which the state collects DNA evidence. In those cases, a prosecution may be brought within 12 months after DNA analysis identifies a probable perpetrator.

*Assembly Bill 47* provides that there is no statute of limitation for prosecution of first-degree sexual assault and first-degree sexual assault of a child. Therefore, under the bill, such a prosecution may be brought at any time.

*Assembly Amendment 1* retains the current statute of limitation for prosecution of first-degree sexual assault but provides that in those prosecutions for which the state collects DNA evidence, a prosecution may be commenced at any time after analysis of the DNA evidence identifies a probable perpetrator.

### **Legislative History**

Assembly Amendment 1 was offered by the Assembly Committee on Criminal Justice and Homeland Security on May 18, 2005. The committee recommended adoption of the amendment on a vote of Ayes, 11; Noes, 0 and recommended passage of the bill, as amended, on a vote of Ayes, 11; Noes, 0 on May 18, 2005.

AS:jal